

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

ANTHONY JEROME ALLEN.

Petitioner.

V.

REOSHA BUTLER.

Respondent.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

Case No. 7:22-cv-00568-ACA-NAD

MEMORANDUM OPINION


On January 11, 2023, the magistrate judge entered a report recommending that the court deny Petitioner Anthony Jerome Allen’s 28 U.S.C. § 2254 petition for writ of habeas corpus. (Doc. 14). Although the magistrate judge notified Mr. Allen of his right to file objections within fourteen days (*id.* at 14–15), Mr. Allen has not filed any objections.

A party's failure to file specific objections waives any challenge to the proposed findings and recommendations. *See* 28 U.S.C. § 636(b)(1); 11th Cir. R. 3-1. After careful consideration of the record in this case and the magistrate judge's report, the court **ADOPTS** the magistrate judge's report and **ACCEPTS** the recommendation. Consistent with that recommendation, the court **WILL DENY** Mr. Allen's petition for writ of habeas corpus.

Rule 11 of the Rules Governing § 2254 Petitions requires the court to issue or deny a certificate of appealability when the court enters an order adverse to the petitioner. Rule 11(a), Rules Governing § 2254 Cases in the United States District Courts. This court may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To make such a showing, a “petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong,” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that “the issues presented were adequate to deserve encouragement to proceed further,” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (quotation marks omitted). The court finds that Mr. Allen has not satisfied either standard. Accordingly, the court **WILL DENY** a certificate of appealability.

The court will enter a separate final order consistent with this opinion.

DONE and **ORDERED** this February 1, 2023.



ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE